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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,344	10/19/2000	Bruce Leroy Beukema	AUS9-2000-0627-US1	6907
35525	7590	06/10/2004	EXAMINER	
DUKE W. YEE CARSTENS, YEE & CAHOON, L.L.P. P.O. BOX 802334 DALLAS, TX 75380			BATES, KEVIN T	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/692,344

Applicant(s)

BEUKEMA ET AL.

Examiner

Kevin Bates

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This Office Action is in response to a communication made on March 29, 2004.

The Information Disclosure Statement was received on April 29, 2004.

Claims 1-24 are pending in this application.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Gerardin (6222822) (Applicants IDS).**

Regarding claims 1, 9, and 17, Gerardin discloses a method for modifying a network without tearing down existing connections (Column 9, lines 1 – 4), comprising: placing a send queue that is to be affected by a modification to the network into a suspended state (Column 9, lines 5 – 28; Column 8, lines 44 – 50); applying the modification to the network (Column 12, lines 64 – 67); and placing the send queue back into an operational state after applying the modification to the network (Column 10, lines 13 – 21; Column 8, lines 61 – 64).

Regarding claims 2, 10, and 18, Gerardin discloses that the suspended state is a send queue drain state (Column 10, lines 6 – 12).

Regarding claims 3, 11, and 19, Gerardin discloses that while in the suspended state, write requests can be posted to a queue pair of the send queue, incoming messages to the queue pair of the send queue are processed normally, and work requests submitted to the send queue are queued and are not processed (Column 11, lines 1 – 16, where its discloses that both types of packets/requests can be interrupted individually).

Regarding claims 4, 12, and 20, Gerardin discloses that placing the send queue into a suspended state includes stopping processing of messages in the send queue at a message boundary (Column 9, line 67 – Column 10, line 7).

Regarding claims 5, 13, and 21, Gerardin discloses that sending a notification to a subnet manager that the send queue has been placed in a suspended state, wherein the modification to the network is applied in response to sending the notification (Column 10, lines 32 – 46).

Regarding claims 6, 14, and 22, Gerardin discloses that placing the send queue into a suspended state includes using a PathRecord SubnAdmReport general management packet to request suspension of messages on a queue pair over an existing path in the network (Column 7, lines 46 – 65; Column 8, lines 61 – 64).

Regarding claims 7, 15, and 23, Lee discloses that placing the send queue back into an operational state after applying the modification to the network includes identifying the send queue based on a Path Record Modification ID included in the PathRecord SubnAdmReport general management packet (Column 7, lines 46 – 65; Column 7, lines 20 – 34).

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Regarding claims 8, 16, and 24, Lee discloses receiving a PathRecord SubnAdmReportResp general management packet in response to the PathRecord SubnAdmReport general management packet indicating that the modification to the network has been applied, wherein the send queue is placed back into an operation state in response to receiving the PathRecord SubnAdmReportResp general management packet (Column 7, lines 36 – 65; Column 8, lines 61 – 64; Column 8, lines 4 – 21).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 5043981 issued to Firoozmand because it had queuing and network updating.

U. S. Patent No. 6085238 issued to Yuasa, because it updates networks without breaking down connections.

U. S. Patent No. 6654363 issued to Li, because it has QoS queuing and network updating.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (703) 605-0633. The examiner can normally be reached on 8 am - 4:30 pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB  
June 8, 2004

  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER

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